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Dated: June 27, 2006 Signature: Suzanne Mack  
(Suzanne Mack)

Docket No.: MBI-0058CIP  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Heard et al.

Application No.: 10/714,887

Filed: November 13, 2003 Art Unit: 1638

For: PLANT TRANSCRIPTIONAL REGULATORS Examiner: D. Kruse  
OF DROUGHT STRESS

**COMMUNICATION**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam or Sir:

Applicants file herewith a Petition to Accept an Unintentionally Delayed Claim for Benefit Under 37 C.F.R. 1.78(a)(3), a Supplemental Application Data Sheet, an Amendment under 37 CFR 1.121, a Request for Corrected Filing Receipt, and Copy of Corrected Filing Receipt.

Applicants respectfully request that the Petitions Office contact the undersigned, if any questions arise with respect to the petition filed herewith.

Dated: June 27, 2006

Respectfully submitted,  
By Suzanne Mack  
Suzanne Mack  
Registration No.: 44,888

Mendel Biotechnology, Inc.  
21375 Cabot Blvd.  
Hayward, California 94545  
Telephone: (510) 259-6115  
Facsimile: (510) 264-0254



06-28-06

DAE <sup>zzw</sup> \$

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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### TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

40

Application Number

10/714,887

Filing Date

November 13, 2003

First Named Inventor

Heard

Art Unit

1638

Examiner Name

David Kruse

Attorney Docket Number

MBI-0058CIP

### ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form (in dup.)
  - ☐ Fee Attached
- ☒ Amendment/Reply (7 pages)
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition (8 pages)
  - ☐ Petition to Convert to a Provisional Application
  - ☐ Power of Attorney, Revocation
  - ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please Identify below):
  - 1. Supp. ADS (11 pgs); 2. Request for Corrected Filing Receipt (5 pgs); 3. Copy of corrected Filing Receipt w/attachment (5 pgs); 4. Communication (1 page)

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name: Suzanne Mack (Reg. No. 44, 888)  
Signature: *Suzanne Mack*  
Date: June 27, 2006

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. **Express Mail, AIRBILL No. EL889523365US**

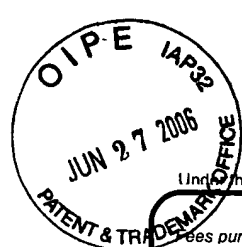
Typed or printed name: Suzanne Mack

Signature: *Suzanne Mack* Date: June 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EL889523365US



Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,370.00

**Complete if Known**

Application Number	10/714,887
Filing Date	November 13, 2003
First Named Inventor	Heard
Examiner Name	D. Kruse
Art Unit	1638
Attorney Docket No.	MBI-0058CIP

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-1025 Deposit Account Name: Mendel Biotechnology, Inc

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>		
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>		
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)	Fees Paid (\$)
	0.00
Other (e.g., late filing surcharge): 1454 Petition for Unintentionally Delayed Claim for Priority	1,370.00

**SUBMITTED BY**

Signature	<u>Suzanne Mack</u>	Registration No. (Attorney/Agent) 44,888	Telephone 510-259-6115
Name (Print/Type)	Suzanne Mack		Date June 27, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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